

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IT'S INTOXICATING, INC.,	:	
Plaintiff,	:	Civil No. 11-CV-2379
v.	:	
MARITIM HOTELGESELLSCHAFT	:	(JUDGE MANNION)
mbH and DANIELA ZIMMER,	:	
Defendants.	:	

ORDER

IT IS HEREBY ORDERED:

- 1.) The motions to dismiss filed by defendants Zimmer, (Doc. No. [22](#)), and Maritim, (Doc. No. [24](#)), are **GRANTED IN PART** and **DENIED IN PART**.
- 2.) Defendants' Rule 12(b)(2) motions to dismiss for lack of personal jurisdiction, (Doc. No. [22](#); Doc. No. [24](#)), are **DENIED**.
- 3.) Defendants' Rule 12(b)(3) motions to dismiss for improper venue, (Doc. No. [22](#); Doc. No. [24](#)), are **DENIED**.
- 4.) Defendants' Rule 12(b)(6) motions to dismiss plaintiff's fraud claim, (Doc. No. [22](#); Doc. No. [24](#)), will be **GRANTED**.
- 5.) Defendants' Rule 12(b)(6) motions to dismiss plaintiff's breach of contract claim, (Doc. No. [22](#); Doc. No. [24](#)), will be **DENIED**.
- 6.) Defendants' Rule 12(b)(6) motions to dismiss plaintiff's unjust enrichment claim, (Doc. No. [22](#); Doc. No. [24](#)), will be **DENIED**.

- 7.) Defendant Zimmer's Rule 12(b)(6) motion to dismiss plaintiff's conversion claim, (Doc. No. [22](#); Doc. No. [24](#)), will be **GRANTED**.
- 8.) Defendants' Rule 12(b)(6) motion to dismiss plaintiff's request for compensatory damages, interest, and costs will be **DENIED**.
- 9.) Defendants' rule 12(b)(6) motion to dismiss plaintiff's request for punitive damages **GRANTED**.
- 10.) Defendants' rule 12(b)(6) motion to dismiss plaintiff's request for attorney's fees will be **GRANTED without prejudice**. Plaintiff may file a motion for attorney's fees with the court at the appropriate time pursuant to Federal Rule 54(d)(2)(B).

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: July 31, 2013

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